



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/774,462 | 01/31/2001 | Bernhard Ifflander | 01 P 7441 US | 3441 |

31625 7590 10/14/2004

BAKER BOTTS L.L.P.
PATENT DEPARTMENT
98 SAN JACINTO BLVD., SUITE 1500
AUSTIN, TX 78701-4039

| | |
|-------------------|--------------|
| EXAMINER | |
| CHAMPAGNE, DONALD | |
| ART UNIT | PAPER NUMBER |
| 2121 | |

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,462

Applicant(s)

IFFLANDER ET AL

Examiner

Donald L. Champagne

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-17,19-30,32-41,43-46 and 48-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-17,19-30,32-41,43-46 and 48-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with an amendment on 28 July 2004 have been fully considered but they are not persuasive. The arguments are addressed by the following new non-final rejection and explicitly at para. 9 below.

Claim Objections

2. Claims 5-14 and 19-21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims add only nonfunctional descriptive matter. The nature of the services does not exhibit any functional interrelationship with the way in which the computing process is performed. See MPEP 2106.IV.B.1(b), first paragraph.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At line 1 of each claim, "logistics services" lacks antecedent basis. This rejection can be satisfied by changing the dependency of each claim from claim 1 to claim 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

6. Claims 1, 4-17, 19-30, 32-41, 43-46 and 48-57 are rejected under 35 U.S.C. 103(a) as obvious over Conhaim in view of *Thomasregister.com*.
7. Conhaim teaches (independent claims 1, 27, 30, 36, 40, 43, 46, 52, 56 and 57) an on-line method and system for marketing services to a prospective or actual purchaser of industrial equipment, the method comprising the steps of: providing to the purchaser over a network information relating to an on-line marketplace for industrial equipment (p. 1/8, middle); accepting over a network and storing in a database registration information from the purchaser (p. 3/8, third para.); displaying over the network in conjunction with the on-line marketplace an identification of a plurality of services relating to the acquisition of industrial equipment (p. 2/8 bottom); accepting over the network input from the purchaser identifying at least one of the plurality of services as to/for¹ which the purchaser wishes to receive information, and transmitting to the purchaser information relating to the at least one service (p. 2-3/8).
8. Conhaim does not teach accepting from the purchaser information relating to the nature of the equipment as to/for which service information is to be received, and transmitting said information to the at least one service provider. *Thomasregister.com* teaches an email connection for accepting from the purchaser information relating to the nature of the equipment as to/for¹ which service information is to be received, and transmitting said information to the at least one service provider (Item marked "A" on sheet 4/7). Because *Thomasregister.com* is the website taught by Conhaim, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of *Thomasregister.com* to those of Conhaim.
9. Applicant argues (p. 15, bottom para.) that the Examiner in the last rejection failed to address the limitations now addressed at para. 8 above.
10. For independent claims 30 and 46, a "purchaser service request record" is interpreted as the purchase spec. that is necessarily input by the purchaser.
11. *Thomasregister.com* also teaches (independent claims 36, 43, 52, 56 and 57, and dependent claims 28 and 44) a user ID and password (Item marked "C" on sheet 6/7), which

¹ The claim language "as to which" is interpreted as "for which".

Art Unit: 3622

reads on assigning/transmitting a purchaser identification/registration code to the registered purchaser.

12. Conhaim also teaches claims 16-17, 32 and 48 at the citations given above; and claims 4-6 (p. 1/8 center and bottom).
13. Thomasregister.com also teaches (claims 15, 22-26, 29, 35, 37-39, 41, 45, 51 and 53-55) the purchaser requesting an offer (the "Order Online" Item marked "B" on sheet 5/7), the price of which reads on "information relating to the marketplace comprising data reflecting actual transactions in the marketplace".
14. Neither reference teaches (claims 7-14) the services offered. Official notice is taken (MPEP § 2144.03) that all of the services were widely advertised at the time of the instant invention. Because Conhaim teaches that the reference online marketing site is advertiser-supported with a specialty in transportation services (p. 2/8 para. 1 and 3), it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the claimed services to the teachings of Conhaim and *Thomasregister.com*.
15. Neither reference teaches (claims 19-21) the input equipment properties. Because these are obvious equipment descriptors, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add these equipment descriptors to the teachings of Conhaim and *Thomasregister.com*.
16. Neither reference teaches (claims 33-34 and 49-50) determining and verifying that the purchaser has received the responsive information. Because it is good customer service, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add determining and verifying that the purchaser has received the responsive information to the teachings of Conhaim and *Thomasregister.com*.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 703-746-5536.

Art Unit: 3622

18. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.
19. **ABANDONMENT** – If examiner cannot by telephone verify applicant's intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office's web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Donald L. Champagne
Primary Examiner
Art Unit 3622

30 September 2004


